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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

12 RICHARD SULLIVAN,

13 Plaintiff,

14 v.

15 SMURFIT-STONE CONTAINER
16 CORPORATION; PEPSICO, INC.; FRITO-
17 LAY NORTH AMERICA, INC.; FRITO-
18 LAY, INC.; and DOES 1-20, inclusive,

19 Defendants.

20 CASE NO. 5:10-cv-01233-LHK

21 **JOINT TENTATIVE NOTICE OF
CONFIDENTIAL SETTLEMENT OF
ENTIRE CASE AND ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

22 Action Filed: March 24, 2010

23 By way of this pleading, Plaintiff Richard Sullivan, Defendant Smurfit-Stone
24 Container Corporation (hereinafter "SSCC") and Defendants PepsiCo Inc., Frito-Lay North
25 America, Inc. and Frito-Lay, Inc. (hereinafter "Frito-Lay Defendants") confirm that this case has
26 tentatively settled. The parties respectfully request that the Case Management Conference
27 currently on calendar for September 1, 2010 be continued for a minimum of 60 days to allow the
28 parties time to finalize and execute the terms and conditions of the settlement agreement.

29 Dated: August 25, 2010

30 HIGHMAN, HIGHMAN & BALL
31 A PROFESSIONAL LAW ASSOCIATION

32 By /s/ Bruce J. Highman

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34 Case No.: 10-CV-1233-LHK

35 ORDER CONTINUING CASE MANAGEMENT CONFERENCE

Bruce J. Highman
Attorneys for Plaintiff Richard Sullivan

Dated: August 25, 2010

VILLARREAL HUTNER PC

By /s/ Jessica N. Leal
Lara Villarreal Hutner
Jessica N. Leal
Attorneys for Defendants PepsiCo, Inc., Frito-
Lay North America, Inc. and Frito-Lay, Inc.

Dated: August 25, 2010

CONSTANGY BROOKS & SMITH, LLP

By /s/ Laura S. Withrow
Laura S. Withrow
Oscar E. Rivas
Attorneys for Defendant Smurfit-Stone
Container Corporation

ORDER

Good cause appearing, the stipulation of the parties to continue the Case Management Conference currently set for September 1, 2010 to November 10, 2010 is hereby approved. The parties shall file a stipulation of dismissal and request to vacate the November 10, 2010 Case Management Conference by November 3, 2010.

IT IS SO ORDERED:

Date: August 30, 2010

By: Lucy H. Koh
Honorable Lucy H. Koh
United States District Judge